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Letter dated 11 August 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith, for your information, a communication of the Ministry of Foreign Affairs of Ukraine on the closure, beginning on 15 July 2014, of the seaports of Kerch, Sevastopol, Feodosia, Yalta and Yevpatoria, located in the territory of the Autonomous Republic of Crimea and the city of Sevastopol, owing to the temporary occupation of those territories (see annex).

I wish to further advise that the calling of ships under foreign flags at the above seaports will be considered by Ukraine a violation of international law as well as of the national legislation of Ukraine entailing accountability by the ship owners, operators and captains, including criminal responsibility.

In this regard, we expect the relevant authorities of United Nations Member States to take appropriate measures to ensure compliance by owners and operators of the ships flying under their respective flags with international norms and regulations, as well as with Ukraine's national legislation with regard to the closure of the seaports in the territory of the Autonomous Republic of Crimea and the city of Sevastopol.

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Oleksandr **Pavlichenko**
Chargé d'affaires a.i.

14-59061 (E) 130814

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Annex to the letter dated 11 August 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the President of the Security Council

Ministry of Foreign Affairs of Ukraine

On 15 July 2014, Order of the Ministry of Infrastructure of Ukraine No. 255 of 16 June 2014, entitled "On closure of seaports", entered into force, pursuant to which the seaports of Kerch, Sevastopol, Feodosia, Yalta and Yevpatoria were closed starting on 15 July 2014. The Embassy of Ukraine in the United Kingdom of Great Britain and Northern Ireland, by note verbale No. 6124/35-327/2-950 of 21 July 2014, through the Secretariat of the International Maritime Organization (IMO), informed IMO member States, international organizations cooperating with IMO and non-governmental organizations which have been granted consultative status with IMO (IMO Secretariat circular letter No. 3477) of the closure of the above-mentioned seaports starting on 15 July 2014 and until the restoration of the constitutional order of Ukraine on the temporarily occupied territory.

Taking this into account, the Ukrainian side proceeds from the fact that all flag States, owners and captains are aware of the fact of the closure of seaports in the Autonomous Republic of Crimea and the city of Sevastopol, as well as of the risks associated with calling at these ports of Ukraine.

In its resolution 68/262, "Territorial integrity of Ukraine", adopted on 27 March 2014, the General Assembly called upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol on the basis of the referendum held on 16 March 2014 and to refrain from any action or dealing that might be interpreted as recognizing any such altered status.

In its conclusions on Ukraine of 23 June 2014, the Foreign Affairs Council of the European Union, in particular, recalls its strong condemnation of the illegal annexation of Crimea and Sevastopol, reminding that the European Union will never recognize this annexation.

In accordance with Council Implementing Regulation (EU) No. 810/2014 of 25 July 2014 implementing Regulation (EU) No. 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, the State ferry enterprises "Kerch ferry", "Kerch commercial seaport" and "Sevastopol commercial seaport" were added to the list of persons, entities and bodies subject to restrictive measures.

The calling of ships under foreign flags at closed seaports in the territory of the Autonomous Republic of Crimea and the city of Sevastopol shall be considered by the Ukrainian side as a violation of international law, as undermining the sovereignty of Ukraine and as a violation of the law of Ukraine, which entails the responsibility of ship owners, operators and captains, including criminal responsibility.

It shall also be considered by the Ukrainian side as an action containing the elements of a crime under article 332-1 of the Criminal Code of Ukraine, "Violation of the order of entry to the temporarily occupied territory of Ukraine and departure from it", pursuant to which the violation of the order of entry to the temporarily

occupied territory of Ukraine and departure from it with the aim of causing damage to the interest of the State is punished with custodial restraint for a term of up to three years or imprisonment for the same period with confiscation of the transport vehicles.

Taking into account that article 94 of the United Nations Convention on the Law of the Sea stipulates that every State effectively exercises its jurisdiction and control in administrative, technical and social matters over ships flying its flag, the Ukrainian side expects that the competent authorities of the sending States of the diplomatic missions accredited in Ukraine will apply appropriate mechanisms of influence on the owners and operators of ships flying their national flag in order to ensure compliance with international law and the law of Ukraine, in particular with regard to the closure of seaports located in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol.